IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1050 of 2007()

CMP.18/2006 of J.M.F.C.-I,NEYYATINKARA

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: PETITIONER/ACCUSED:

SATHI, S/O. OMANA,
CHEMMANNUVILA VEEDU, PERUMPAZHUTHOOR DESOM AND VILLAGE, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1050 OF 2007

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DATED THIS THE 26th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in C.R.No.63/06 of Neyyattinkara Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 1 ½ litres of illicit arrack on 21.12.2006 and who was arrested on 26.12.2006, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that final report has not been filed even after 60 days of detention of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Neyyattinkara and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn